

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	Chapter 11
	:	
SWIFT ENERGY COMPANY, et al.,	:	Case No. 15-12670 (MFW)
	:	BAP No. 16-31
Debtors.	:	
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MORRIS PROPP II, MORRIS PROPP II FOUNDATION,	:	
	:	
Appellant,	:	
v.	:	C. A. No. 16-404-GMS
SWIFT ENERGY COMPANY,	:	
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **20th** day of **June, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. Both parties request that this matter be removed from mandatory mediation and a briefing schedule be issued.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a)

Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation are anticipated in light of the parties request to remove this matter from mandatory mediation.

The parties request the following briefing schedule be entered:

Opening Brief	the later of (i) 45 days after the District Court rules on Appellant's motion to impose a stay pending this Second Appeal or (ii) 60 days after entry of an order withdrawing the matter from mediation
Answering Brief	45 days after the filing an service of the opening brief.
Reply Brief	21 days after filing and service of the answering brief.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng